

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Northern Division

TAMMY NOBLES, as an individual, and)
as the successor in interest to and)
representative of)
the Estate of Decedent Kayla Hamilton,)
)
)
Plaintiff,)
)
v.) **Civil Action No. 1:24-cv-02913-JMC**
)
UNITED STATES OF AMERICA,)
)
)
Defendant.)

STIPULATION TO TRANSFER VENUE TO THE SOUTHERN DISTRICT OF TEXAS

COMES NOW the Plaintiff, Tammy Nobles, by and through her attorneys, lead counsel Brian E. Claypool and co-counsel Daniel L. Cox and the United States, by and through the undersigned counsel, Erek L. Barron, United States Attorney for the District of Maryland, and Beatrice C. Thomas, Assistant United States Attorney for said District, and jointly stipulate as follows:

1. The United States moved to dismiss for improper venue (ECF 14).
2. It was through Defendant's motion to dismiss for improper venue that Plaintiff and her counsel became aware that Walter Javier Martinez ("Martinez"), Ms. Hamilton's murderer, (a) encountered the Department of Homeland Security's Customs and Border Protection ("CPB") in Roma, Texas; (b) was transported by CPM to Donna, Texas; (c) and ultimately transported to Compass Connections in Harlingen, Texas, where a sponsor was secured. (ECF 14).

3. The Plaintiff has no objection to transfer of venue and stipulates to the same without prejudice, as negligence is averred to have occurred in the Southern District of Texas, where the assailant Martinez crossed the United States Border and was processed, and was then transferred internally, and ultimately arrived in Maryland where he committed the violent crimes against and murder of Ms. Nobles' daughter Kayla Hamilton.
4. The United States does not oppose Plaintiff's request to transfer this action to the Southern District of Texas. 28 U.S.C. § 1404(a); Fed. R. Civ. P. 12(b)(3) "in the interest of justice...[the Court may] transfer any civil action to any other district...where it might have been brought[.]"
5. Counsel for the United States conferred with counsel for Plaintiff and Plaintiff does not oppose an enlargement of time for the United States to respond to the complaint after transfer of 28-days (for a total of 42 days post-transfer, *see* Fed. R. Civ. P. 12(a)(4)(A) (absent enlargement, responsive pleading due 14 days after ruling on motion)), to, and including, March 7, 2025. Fed. R. Civ. P. (b)(1).

WHEREFORE, the Plaintiff requests the Court TRANSFER VENUE to the United States District Court for the Southern District of Texas and DENY, without prejudice, the government's motion to dismiss as MOOT. The Court further ORDERS that the United States' responsive pleading deadline is extended to, and including, March 7, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on this 27th day of January, 2025, a copy of the foregoing was served on counsel of record via CM/ECF.

/s/
Daniel L. Cox